



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.14534 of 2019

and

Crl.M.P.(MD)No.8776 of 2019

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Palani

...Petitioner/Sole Accused

-Vs-

1.The Inspector of Police
All Women Police Station
Kuzhithurai
Kanyakumari District
(Crime No.16 of 2012)
2. S.Jeba Freeda

... Respondent/Complainant
... Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to impugned Charge Sheet in C.C.No.451 of 2012 pending on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District and quash the same .

For Petitioner : Mr.A.D.Ganeshmoorthi
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

This petition has been filed to quash the charge sheet in C.C.No.451 of 2012 pending on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District.

2.The learned Government Advocate (criminal side) submitted that C.C.is of the year 2012 and it is pending only for the reason that the non bailable warrant is pending as against the petitioner and the petitioner did not appear before the trial Court and because of his absence, the prosecution could not be able to proceed with the trial. Hence, he prayed for dismissal of the petition.

3.Heard the learned counsel for the Petitioner and the learned Government Advocate (criminal side) for the first respondent.

3.It is seen that there are specific averments as against the petitioner and to attract the charges framed as against the petitioner for the offences under Sections 498(A), 406 I.P.C and Section 4 of Dowry Prohibition Act. When the non bailable warrant is pending as against the petitioner, the petitioner is not entitled to get any relief.

4.In view of the above, this Court is not inclined to quash the



charge sheet in C.C.No.451 of 2012. Hence, this Criminal Original Petition is dismissed. The first respondent is directed to secure the petitioner/sole accused and proceed with the trial. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

Is

To

1.The Judicial Magistrate No.II,
Padmanabhapuram,
Kanyakumari District.

2.The Inspector of Police
All Women Police Station
Kuzhithurai
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-92095[F] dated 16/10/2019)

Cr1.O.P.(MD)No.14534 of 2019
15.10.2019

KK/SAR/04.11.2019/2P-5C/